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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,434	10/02/2000	Pascal Portrait	D-7683	4851
25572	7590	09/19/2005	EXAMINER	
MEADWESTVACO CORPORATION LAW DEPARTMENT 4850 NORTH CHURCH LANE SUITE D SMYRNA, GA 30080			PARADISO, JOHN ROGER	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 09/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/600,434

Applicant(s)

PORTRAIT, PASCAL

Examiner

John R. Paradiso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-6,8,10,12,13,16-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-6,8,10,19 and 22 is/are allowed.
- 6) ☒ Claim(s) 12,13 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. A Miscellaneous Letter was mailed on 11/4/2004 indicating that the amendments filed 6/24/2004 were incomplete. This was in error. The amendments filed 6/24/2004 were complete and an action in response to said amendments follows.

Examiner apologizes for any confusion.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12, 13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over STERLING (US 3958688).

STERLING discloses a mechanism for orienting an article, including a support means (76), an abutment means (66), both shown clearly in STERLING Fig. 5.

STERLING does not specifically disclose the mechanism as being used to affix a label, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mechanism of STERLING to orient an article for this or any other purpose that requires a particular orientation for an article to be read or viewed.

Examiner notes that while the structure of the instant application and the structure of STERLING is different, the means and function described in STERLING anticipates the instant claims.

*Reasons for Allowance*

4. Claims 1,2,4-6, 8, 10, 19, and 22 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Claims 1, 2, 4-6, 10, and 19 are treated as means plus function claims and the prior art could not alone or in combination anticipate or make obvious a packaging machine in which a means for separating groups of articles creates sub-groups of articles, a means for carton erecting comprising complementary die members on rotating wheels with each die member engaging a carton blank between them and forming receiving cells in the carton, loading means for loading the subgroups of articles into the receiving cells.

The closest pertinent prior art, DIETRICH ET AL, discloses erecting/loading cartons, but not dividing the articles into subgroups.

Claim 8 is allowed because the prior art could not alone or in combination anticipate or make obvious a mechanism for forming a carton including a pair of article receiving cells, the mechanism comprising complementary die members, each die member being mounted on a rotating wheel with each die interengaging when a blank is positioned between the die members and to cause the blank to be folded to define the article receiving cells, one die having a protruding portion and the other die a recessed portion to receive said protruding portion.

The most pertinent prior art, MONCRIEF, disclose an apparatus for forming cartons, but each of the dies is not mounted on a wheel. Also, Fig. 5 of MONCRIEF shows that dies (36, 62) do not actually mesh together.

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Claim 22 is allowed because the prior art could not alone or in combination anticipate or make obvious an apparatus for orienting an article with a protruding portion, the apparatus comprising a channel acting as support for the article, an elongate member to cause the article to rotate in the support until the protruding portion of the article is restrained by an abutment.

The most pertinent prior art, KONTZ, discloses an apparatus for orienting an article, but does not disclose a channel as the support with an elongate member to cause the article to rotate in the support until the protruding portion of the article is restrained by an abutment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

6. Applicant's arguments filed 6/24/2004 have been fully considered but are considered moot in view of the new grounds of rejection.

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*Reference Citations*

7. The following prior art made of record and not relied upon is considered pertinent

to Applicant's disclosure:

- GIERHART discloses an apparatus for orienting articles.

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (571) 272-4466

September 16, 2005

Additional Phone Numbers:

Supervisor Rinaldi Rada: (571) 308-7135

Fax (Official): (571) 273-8300

Fax (Direct to Examiner) (571) 273-4466 (Drafts only)